

**Sunsets 1/1/2016**

**48-2c-1604 Application for authority to transact business.**

- (1) A foreign company may apply for authority to transact business in this state by delivering to the division for filing an application for authority to transact business setting forth:
  - (a) its name and its assumed name, if any;
  - (b) the name of the state or country under whose law it is formed or organized;
  - (c) the nature of the business or purposes to be conducted or promoted in this state;
  - (d) its date of formation or organization and period of its duration;
  - (e) the street address of its principal office;
  - (f) the information required by Subsection 16-17-203(1);
  - (g)
    - (i) the names and street addresses of its current managers, if it is a manager-managed company; or
    - (ii) the names and street addresses of its members, if it is a member-managed company;
  - (h) the date it commenced or expects to commence transacting business in this state; and
  - (i) any additional information the division may determine is necessary or appropriate to determine whether the application for authority to transact business should be filed.
- (2) The foreign company shall deliver with the completed application for authority to transact business a certificate of existence, or a document of similar import, duly authorized by the lieutenant governor or other official having custody of records in the state or country under whose law it is formed or organized. The certificate of existence shall be dated within 90 days prior to the filing of the application for authority to transact business by the division.
- (3) The foreign company shall include in the application for authority to transact business, or in an accompanying document, the written consent to appointment by the designated registered agent in this state.
- (4)
  - (a) The division may permit a tribal limited liability company to apply for authority to transact business in the state in the same manner as a foreign company formed in another state.
  - (b) If a tribal limited liability company elects to apply for authority to transact business in the state, for purposes of this chapter, the tribal limited liability company shall be treated in the same manner as a foreign company formed under the laws of another state.